

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner  
 US Department of Commerce  
 United States Patent and Trademark  
 Office, PCT  
 2011 South Clark Place Room  
 CP2/5C24  
 Arlington, VA 22202  
 ETATS-UNIS D'AMERIQUE  
 in its capacity as elected Office

<b>Date of mailing</b> (day/month/year) 17 August 2001 (17.08.01)	
<b>International application No.</b> PCT/US00/26367	<b>Applicant's or agent's file reference</b> 032005-046
<b>International filing date</b> (day/month/year) 25 September 2000 (25.09.00)	<b>Priority date</b> (day/month/year) 23 September 1999 (23.09.99)
<b>Applicant</b> CRAGG, Andrew, H. et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:  
 23 April 2001 (23.04.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was  
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

<b>The International Bureau of WIPO</b> 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	<b>Authorized officer</b> Antonia Muller Telephone No.: (41-22) 338.83.38
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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

14

Applicant's or agent's file reference 032005-046	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/26367	International filing date (day/month/year) 25 SEPTEMBER 2000	Priority date (day/month/year) 23 SEPTEMBER 1999
International Patent Classification (IPC) or national classification and IPC IPC(7): A61B 5/103, 5/117 and US CL: 600/587		
Applicant SUB-Q, INC.		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of <u>4</u> sheets.  <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of <u>0</u> sheets.
3.	This report contains indications relating to the following items: <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the report</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step or industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input checked="" type="checkbox"/> Certain documents cited</li> <li>VII <input type="checkbox"/> Certain defects in the international application</li> <li>VIII <input type="checkbox"/> Certain observations on the international application</li> </ul>

Date of submission of the demand  23 APRIL 2001	Date of completion of this report  25 JUNE 2001
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer  BRIAN SZMAL
Facsimile No. (703) 305-3230	Telephone No. (703) 308-0858

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/26367

**I. Basis of the report****1. With regard to the elements of the international application:\***☒ the international application as originally filed☒ the description:

pages 1-32

pages NONE

pages NONE

, as originally filed  
, filed with the demand  
, filed with the letter of☒ the claims:

pages 33-40

pages NONE

pages NONE

pages NONE

, as originally filed  
, as amended (together with any statement) under Article 19  
, filed with the demand  
, filed with the letter of☒ the drawings:

pages 1-13

pages NONE

pages NONE

, as originally filed  
, filed with the demand  
, filed with the letter of☒ the sequence listing part of the description:

pages NONE

pages NONE

pages NONE

, as originally filed  
, filed with the demand  
, filed with the letter of**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.**4. ☒ The amendments have resulted in the cancellation of:**☒ the description, pages NONE☒ the claims, Nos. NONE☒ the drawings, sheets/fig NONE**5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\*Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/26367

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. statement

Novelty (N)

Claims	<u>1-43</u>	YES
Claims	<u>NONE</u>	NO

Inventive Step (IS)

Claims	<u>1-43</u>	YES
Claims	<u>NONE</u>	NO

Industrial Applicability (IA)

Claims	<u>1-43</u>	YES
Claims	<u>NONE</u>	NO

### 2. citations and explanations (Rule 70.7)

Claims 1-43 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a device and method for determining the depth of an incision that extends from an epidermal layer to a blood vessel, comprising: an elongated member with a distal end having means for locating the blood vessel while impeding the distal end of the elongated member from entering the blood vessel; an elongated member having a means at the distal end for capturing an edge of a blood vessel puncture; providing a visual feedback of a general location of the blood vessel; and providing tactile feedback of the blood vessel location.

----- NEW CITATIONS -----  
NONE

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/26367

## VI. Certain documents cited

### 1. Certain published documents (Rule 70.10)

<u>Application No. Patent No.</u>	<u>Publication Date (day/month/year)</u>	<u>Filing Date (day/month/year)</u>	<u>Priority date (valid claim) (day/month/year)</u>
US, A, 6,162,192	19 DECEMBER 2000	01 MAY 1998	

### 2. Non-written disclosures (Rule 70.9)

<u>Kind of non-written disclosure</u>	<u>Date of non-written disclosure (day/month/year)</u>	<u>Date of written disclosure referring to non-written disclosure (day/month/year)</u>